

AO 120 (Rev. 3/04)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of Indiana on the following ☐ Patents or ☐ Trademarks:

DOCKET NO. 1:08-cv-1679-S-K	DATE FILED 12/17/2008	U.S. DISTRICT COURT Southern District of Indiana
PLAINTIFF MUNCIE NOVELTY COMPANY, INC.		DEFENDANT VARITECH GAMING INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,921,071	6/26/2005	MULTIPLAY JAR TICKETS (copy of Complaint attached)
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK <i>James P. Riggs</i>	(BY) DEPUTY CLERK <i>Michael Carmichael</i>	DATE 12/22/2008
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

08 DEC 17 PM 3:58

SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

MUNCIE NOVELTY COMPANY, INC., )

Plaintiff, )

vs. )

VARITECH GAMING INC )

Defendant. )

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**1 : 08 - cv - 1679 SEB - TAB**

COMPLAINT

The plaintiff, Muncie Novelty, Inc. ("Muncie Novelty"), for its Complaint for Patent Infringement against the defendant, Varitech Gaming Inc. ("Varitech"), alleges and states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Muncie Novelty is an Indiana corporation with its principal place of business in Muncie, Indiana.

2. Upon information and belief, Varitech is a Canadian company having a place of business in Ontario, Canada, that does business in the United States, including within the state of Indiana. Upon information and belief, Varitech has directed its business activities toward, *inter alia*, consumers and customers within the State of Indiana and this judicial district.

3. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271, *et. seq.*, and under Article 1, Section 8 of the United States Constitution. This Court has subject matter jurisdiction over Muncie Novelty's claims pursuant to 28 U.S.C. §§ 1331 and 1338.

4. The Court has personal jurisdiction over Varitech.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

**COUNT I: PATENT INFRINGEMENT**

6. Muncie Novelty is the owner of United States Patent No. 6,921,071 (the "'071 patent"), issued on July 26, 2005 and entitled "MULTI-PLAY JAR TICKETS." The '071 patent relates to play pieces, including jar tickets, having multiple play combinations for games of chance. Such play pieces are collectively referenced herein as "multiple play tickets." A copy of the '071 patent is attached to this Complaint as Exhibit A.

7. Varitech is in the business of, among other things, making, importing, offering for sale, selling, and/or using multiple play tickets, including jar tickets.

8. Varitech has infringed and continues to infringe at least one claim of the '071 patent by making, importing, offering for sale, selling, and/or using one or more multiple-play tickets covered by one or more claims of the '071 patent, either literally or under the Doctrine of Equivalents, and/or by inducing or contributing to infringement(s) of at least one claim of the '071 patent by one or more others.

9. Varitech will continue its infringing activities, and Varitech's infringements have irreparably injured and will continue to irreparably injure Muncie Novelty unless and until they are enjoined by this Court.

10. Upon information and belief, Varitech's infringements of the '071 patent have been knowing and willful.

11. Muncie Novelty has suffered damages as a result of the Defendants' infringing activities to date. As a consequence of defendants' direct or indirect infringements, Muncie Novelty is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty.

12. This is an exceptional case as that term is defined in 35 U.S.C. § 285.

13. Muncie Novelty is entitled to an award of enhanced damages and all other just relief under 35 U.S.C. §§ 284 and 285.

**WHEREFORE**, Muncie Novelty prays that this Court:

A. That the Court find for Muncie Novelty, enter Judgment in favor of Muncie Novelty on all of its claims, and hold that Varitech has directly and/or indirectly infringed the '071 patent.

B. That the Court permanently enjoin Varitech, and its officers, agents, servants, employees, and attorneys, and all those who have or may act in active concert or participation with any of the foregoing (including all parents, subsidiaries, partners, joint ventures, and related companies) who receive actual notice of the order, from importing, manufacturing, using, selling and/or offering for sale in the United States any and all devices which infringe the '071 patent, and from directly infringing, or contributing to, or inducing, infringement of the '071 patent.

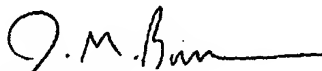
C. That the Court award Muncie Novelty money damages pursuant to 35 U.S.C. § 284 for all past infringements of the '071 patent by Varitech, and related damages, whether directly or indirectly caused by Varitech, whether contributed to and/or induced by Varitech, together with costs, prejudgment interest, and all other reasonable relief.

D. That the Court declare this matter exceptional, award Muncie Novelty treble damages under 35 U.S.C. § 285 for Varitech's acts of infringement of the '071 patent, and award Muncie Novelty its attorneys fees in accordance with 35 U.S.C. § 285.

E. And that the Court award Muncie Novelty all other just and proper relief, whether provided by statute, law, or equity.

**JURY DEMAND**

Muncie Novelty demands a trial by jury on all issues so triable.



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